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EXAMINER

SUAREZ, FELIX E

ART UNIT

PAPER NUMBER

2857

DATE MAILED: 07/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/896,570

Applicant(s)

BLACKETT ET AL.

Examiner

Felix E Suarez

Art Unit

2857

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 May 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-71 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-12, 14-16, 18-36, 38-42, 44-59 and 63-71 is/are rejected.
- 7) ☒ Claim(s) 7, 13, 17, 37, 43 and 60-62 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☒ Other: *Response to arguments*.

Art Unit: 2857

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

The changes made to 35 U.S.C. 102(e) by the American Inventors

Protection Act of 1999 (AIPA) do not apply to the examination of this application

as the application being examined was not (1) filed on or after November 29,

2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this

application is examined under 35 U.S.C. 102(e) prior to the amendment by the

AIPA (pre-AIPA 35 U.S.C. 102(e)).

1. Claims 1-4, 6, 8-12, 14-16, 18-22, 24-36, 38, 39, 41, 42, 44-58, 63, 64, 66, 68 and 70, are rejected under 35 U.S.C. 102(e) as being unpatentable over Butland et al. (U.S. Patent No. 6,301,527).

Art Unit: 2857

With respect to claims 1 and 30, Butland et al (hereafter Butland) teaches an electrical power management architecture comprising:

a network, a presence server (see col. 2, lines 9-24);

at least one electric meter coupled with said network (see col. 3, lines 31-42); and

an instant message server coupled with said at least one electric meter and said network (see col. 3, lines 31-42) said electric meter operative to generate a first instant message to said instant message server and receive a second instant message from said instant message server (see col. 3, line 62 to col. 4 line 5).

With respect to claims 2, 31, 68 and 70, Butland further teaches a presence server coupled with said network (see col. 3, lines 31-42) and operative to autonomously indicate a connection of said at least one electric meter with said network, said connection characterized by a presence (see col. 3, line 62 to col. 4 line 5).

With respect to claims 3, 12, 36 and 38, Butland further teaches that said presence server polls said presence of said at least one electric meter (see col. 9, lines 3-12) in substantially real time or using an electronic mail message (see col. 3, lines 1-5 and col. 5, lines 4-12).

Art Unit: 2857

With respect to claim 4 Butland further teaches that said presence server receives said presence of said at least one electric meter from said at least one electric meter (see col. 3, lines 31-44).

With respect to claims 6, 46 and 47, Butland further teaches that said presence indicates said at least one electric meter is available (see col. 8, lines 66-67).

With respect to claims 8 and 44, Butland further teaches that said presence indicates said electric meter is active (see col. 8, lines 66-67).

With respect to claims 9 and 45, Butland further teaches that said presence indicates said at least one electric meter is unavailable (see col. 9, lines 3-12).

With respect to claims 10 and 49, Butland further teaches that said presence shows said electric meter is decoupled from said at least one electrical power management architecture (see col. 9, lines 3-5).

With respect to claims 11 and 35, Butland further teaches that said presence server polls said autonomous indication of said at least one electric meter (see col. 8 line 66 to col. 9 line 12).

With respect to claim 14 Butland further teaches that said instant message server is operative to facilitate communication of data using a third instant message (see col. 3, lines 42-53).

With respect to claims 15 and 33, Butland further teaches that said third instant message is sent to a plurality of electric meters, each of said plurality of electric meters being coupled with said network (see col. 2, lines 59-65).

With respect to claim 16 Butland further teaches that said third instant message comprises power management data (see col. 3, lines 42-53).

With respect to claim 18 Butland further teaches that said power management data comprises upgrade data (see col. 15, lines 42-45).

With respect to claim 19 Butland further teaches that said power management data comprises at least one power management command (see col. 3 line 62 to col. 4 line 5).

With respect to claims 20 and 54, Butland further teaches that said instant message server is located on said at least one electric meter (see col. 3, lines 31-42).

With respect to claims 21 and 42, Butland further teaches that said instant message server is centralized (see col. 4, lines 53-61).

With respect to claim 22 Butland further teaches that said instant message server is distributed (see col. 4, lines 53-61).

With respect to claims 24 and 50, Butland further teaches that said network comprises a publicly accessible communications network (see col. 5, lines 4-12).

With respect to claims 25 and 51, Butland further teaches that said network comprises a Transmission Control Protocol/Internet Protocol ("TCP/IP") based network (see col. 5, lines 4-12).

With respect to claim 26 Butland further teaches that said network comprises the Internet (see col. 5, lines 4-12).

With respect to claims 27 and 52, Butland further teaches that said network comprises an intranet (see col. 4, lines 47-61 and col. 5, lines 4-12).

Art Unit: 2857

With respect to claim 28 Butland further teaches that said at least one electric meter is at least one revenue meter (see col. 10, lines 38-48).

With respect to claims 29 and 53 Butland further teaches that said at least one electric meter is characterized by a presence, said at least one electric meter operative to broadcast said presence (see col.4, lines 24-46).

With respect to claim 32 Butland further teaches an instant message server coupled with said network (see col. 3, line 62 to col. 4 line 5).

With respect to claim 34 Butland further teaches that said autonomous indication is further characterized by a status (see col. 8 line 66 to col. 9 line 12).

With respect to claim 39 Butland further teaches that said presence server receives said autonomous indication of said at least one electric meter from said at least one electric meter (see col. 3, lines 31-42).

With respect to claim 41 Butland further teaches that said presence server is located on said at least one electric meter (see col. 3, lines 31-42).

With respect to claim 48 Butland further teaches that said autonomous indication further indicates said status of said at least one electric meter (see col. 8 line 66 to col. 9 line 12).

With respect to claim 55 Butland further teaches an instant message server coupled to at least one intelligent electronic device ("IED") and said network (see col. 2, lines 59-65).

With respect to claims 56 and 63, Butland teaches a method of monitoring presence of at least one intelligent electronic device ("IED") in an electrical power management architecture, said method comprising (see col.2, lines 9-24):

(a) coupling said IED with a network, said at least one IED being characterized by said presence (see col. 2, lines 59-65);

(b) transmitting, autonomously, said presence of said at least one IED onto said network (see col.3, lines 1-19);

(c) receiving said presence of said at least one IED at a presence server coupled with said network (see col. 4, lines 53-61), and

(d) monitoring said presence of said at least one IED (see col. 5, lines 15-27).

With respect to claim 57 Butland further teaches updating said presence of said at least one IED on said presence server (see col. 15, lines 27-45).

With respect to claim 58 Butland further teaches displaying said presence of said at least one IED on said presence server (see col. 4, lines 24-46).

With respect to claim 64 Butland further teaches that said at least one IED is a relay (see col. 3, lines 27-31).

With respect to claim 66 Butland teaches an electrical power management architecture for managing an electrical power distribution system comprising:

a network (see col. 2, lines 9-14)

at least one intelligent electronic device ("IED") coupled with a portion of said electrical power distribution system and further coupled with said network, each of said at least one IED operative to implement a power management function in conjunction with said portion of said electrical power distribution system, said power management function operative to respond to at least one power management command and generate power management data each of said at least one IED (see col. 2, lines 14-25) comprising:

a first network interface operative to couple said at least one IED with said network and facilitate autonomous transmission of said power management data and receipt of said at least one power management command over said network (see col. 3, lines 20-53); and

Art Unit: 2857

a security module coupled with said first network interface and operative to prevent unauthorized access to said power management data (see col. 3, lines 45-53); said architecture further comprising:

a power management application coupled with said network and operative to receive and process said power management data from said at least one IED and generate said at least one power management command to said at least one IED to implement said power management function (see col. 3 line 62 to col. 4 line 24).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 5, 23, 40, 59, 65 and 67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Butland et al. (U.S. Patent No. 6,301,527) in view of Forth et al. (U.S. Patent Application Publication No 2002/0120723).

With respect to claim 23 Butland et al. (hereafter Butland) teaches all the features of the claimed invention, except that Butland does not teach comprising a second network and a firewall, said firewall operative to securely couple said network with said second network.

But Forth et al. (hereafter Forth) teaches, in a system in the field of intelligent electronic devices, that a firewall/gateway server may be a CPU that provides a network interfacing function, an application launching function and a firewall function. In the network interfacing function, the firewall/gateway servers may be responsible for controlling traffic on the intranet and the interface with the Internet (see Forth, page 6, paragraph [0067]).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Butland to include the firewall server as taught by Forth, because such a firewall would have allowed for secure operation of a second network.

With respect to claim 5, 40, 59, 69 and 71, Butland teaches all the features of the claimed invention, except that Butland does not teach that said presence server further include a security module, said security module operative to encrypt said presence.

But Forth teaches a firewall/gateway server which includes encryption and decryption software (see Forth page 6, paragraph [0068]).

Art Unit: 2857

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Butland to include a firewall server as taught by Forth, because the firewall server of Forth includes a encryption and decryption software for a secure communication.

With respect to claim 65 Butland teaches an electrical power management architecture comprising:

at least one intelligent electronic device ("IED") coupled with a portion of an electrical power system and further coupled with an internal network (see col. 3, lines 20-27).

Butland does not teach a firewall, said firewall operative to securely couple an external network with said internal network; nor

a network interface operative to couple said at least one IED with said internal network and facilitate a communications, initiated by said at least one IED, of first power management data through said firewall from said internal network to said external network.

But Forth teaches a firewall/gateway server may a CPU that provides a network interfacing function, an application launching function and a firewall function. In the network interfacing function the firewall/gateway servers may be responsible for controlling traffic on the intranet and the interface with the Internet. In addition, the firewall/gateway servers may include applications that

Art Unit: 2857

can be launched by users of the intranet and the Internet (see Forth, page 6, paragraph [0067]).

Forth further teaches that in the application launching function, the firewall/gateway servers may include applications to manage the logical flow of data and commands and keep track of the state of sessions (see Forth, page 6, paragraph [0067]).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Butland to include the firewall/gateway server as taught by Forth, because such a firewall/gateway would have allowed for secure traffic on the intranet and the interface with the Internet.

With respect to claim 67 Butland further teaches that, wherein said power management data and said at least one power management command is communicated as instant messages (see col. 3, lines 42-53).

3. Claims 7, 13, 17, 37, 43, 60-62 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

4. This action is responsive to papers filled 05/06/03.

Art Unit: 2857

5. Applicant's arguments filed 05/06/03 have been fully considered but they are not persuasive respect to claims 1-42. The Examiner has thoroughly reviewed applicant arguments, but believes the cited references to reasonably and properly meet the claimed limitations.

With respect to independent claims 1 and 30, Applicants' primary argument is that

"Butland fails to disclose that the electric power management architecture contains an instant message server or a presence server as claimed in claims 1 and 30.

Butland relates generally to power management control system and in particular, to a power management control that implements the Utility Communications Architecture ("UCA"). Additionally Butland discusses Modbus RTU/D DE Servers in combination with the disclosed power management system.

Butland does not disclose a presence or an instant messaging server as defined in Applicants' ...".

First, in today's power management systems, a variety of power monitoring or control devices are connected to a common bus which allows the power monitoring or control devices to communicate with a server (see Butland, col. 1, lines 15-18).

Second, there are many Modbus Remote Terminal Unit/Dynamic Data Exchange (RTU/DDE) Servers commercially available for a wide variety of applications (see Butland, col. 1, lines 21-22).

Third, in general, the Dynamic Data Exchange (DDE) server provides appropriate return values as specified for all clients, i.e., periodic polling packets for active topics and items, periodic polling packets for events and status, periodic update of time to all the devices, data value update to clients for acquired items, event/status report to the Human Machine Interface package and status update for active topics (devices) (see Butland, col. 10, lines 38-45).

All of this means that the Dynamic Data Exchange Server, is a server capable to update of the time to all the devices and it is not a difference with the instant messaging server Applicant's.

With respect to independent claim 56 and 63, Applicants' primary argument is that

"Butland fails to disclose a presence server wherein the IED autonomously transmits presence or connection information which is monitored or received by the presence server, as claimed in claim 56 and 63.

As previously explained, Butland discloses a power management control system utilizing the UCA, Modbus RTU and DDE protocols. Butland does not disclose that the IED's transmit, autonomously, presence information or

indication of the IED's connection with the network onto the network or the existence of a presence server coupled with the network..."

The second group of Intelligent Electronic Devices (IED) communicates using the Commnet protocol, and includes meters e.g., Power Leader Meters commercially available. A Modbus concentrator provides an interface between the Modbus RTU protocol and the Commnet protocol, whereby devices can communicate through Modbus concentrator to Modbus network (see Butland, col. 3, lines 20-52).

The Examiner remarks that the second group of Intelligent Electronic Devices (IED) autonomously transmits presence or connection information, which is monitored or received by the DDE Server and there is not a difference with the Applicant's, as claimed in claim 56 and 63.

Conclusion

Prior Art

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Engel et al. [U.S. Patent No 6,115,393] describes a network monitor and a management workstation.

Przydatek et al. [U.S. Patent Application Publication No. 2002/0162014] describes an intelligent electronic device.

Art Unit: 2857

Lightbody et al. [U.S. Patent Application Publication No. 2002/0165677]

describes the upgrade of the IED's firmware.

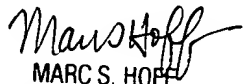
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Felix Suarez, whose telephone number is (703) 308-4926. The examiner can normally be reached on weekdays from 8:30 a.m. to 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc Hoff can be reached on (703) 308-1677. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7382 for regular communications and (703) 308-7382 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1782.

July 9, 2003

F.S.


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